

**A F F I D A V I T**

**LORENZO RAINER, # 121380**

**PLAINTIFF**

**VS**

**CIVIL ACTION: 2:05-CV-916-T**

**CAPTAIN BARRETT, et.al**

**DEFENDANTS**

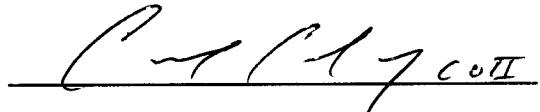
**STATE OF ALABAMA**

**MONTGOMERY COUNTY**

I, Carl Clay, hereby certify and affirm that I am the Sergeant at Kilby Correctional Facility; that I am one of the custodians of the inmate institutional records at this institution; that the attached documents are true, exact, and correct photo-copies of certain original documents maintained here in the institutional files; and that I am over the age of nineteen (19) years and am competent to testify to the aforesaid documents and matters stated therein.

I further certify and affirm that said documents are maintained in the usual and ordinary course of business at the Kilby Correctional Facility; and that said documents (and the entries therein) were made at, or reasonably near the time that such acts, events, and transactions referred to therein are said to have occurred.

This, I do hereby certify and affirm to on the 4th day of October, 2005.



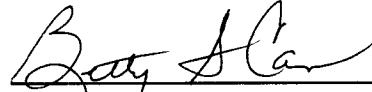
**Sgt. Carl Clay**

**Kilby Correctional Facility**

**State of Alabama**

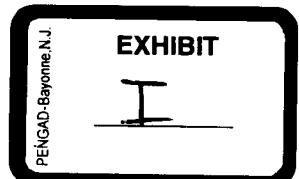
**Montgomery County**

**Sworn to and subscribed before me and under my hand and official seal this the  
4th day of October, 2005.**



**Notary Public**

**My comm. expires 1/17/06**



## FRIDAY MORNING TEAM DUTY ROSTER

DATE: 06/03/05

NO POST CHANGES	NAME	SIGNATURE	SIGN IN TIME	SIGN OUT TIME	REGULAR OFF
TEAM SUPV.	LT. L. BOLLING	<i>Tom Bolling</i>	5:20 AM		SGT. C. CLAY
TEAM SGT.					J. WILLIAMS
TEAM SGT.					J. TEMPLE
TEAM CLERK	N. GATES/OT	<i>N. Gates</i>	5:20 AM		T. HETHERINGTON
CENTRAL CONTROL	B. AZAR	<i>B. Azar</i>	5:20 AM		E. ROBINSON
CENTRAL CONTROL	J. HOGWOOD	<i>J. Hogwood</i>	5:20 AM		M. HURT
ICS OFFICER	B. CLAY	<i>B. Clay</i>	5:20 AM		G. AUSTIN
NORTH CONTROL	L. WATLERS	<i>L. Watlers</i>	5:20 AM		G. WOODARD
NORTH DORM ROVER	N. CARROLL	<i>N. Carroll</i>	5:20 AM		A. THOMAS/OT
WEST DORM ROVER	C. BANKS/OT	<i>C. Banks</i>	5:20 AM		W. LAWRENCE
NORTH/WEST ROVER	FEED D. STREETER/OT	<i>D. Streeter</i>	5:20 AM		W. SCOTT, JR/OT
INST. ROVER	FEED B. MCCLAIN 8:00	<i>B. McClain</i>	5:20 AM		N. GATES/OT
HOSPITAL ROVER	R. CALLOWAY	<i>R. Calloway</i>	5:20 AM		C. FULLER
E BLOCK ROVER	A. MURRAY/OT	<i>A. Murray</i>	6:00 AM		
EAST DORM ROVER	V. CRENSHAW	<i>V. Crenshaw</i>	5:20 AM		
WEST WARD ROVER	C. WILLIAMS	<i>C. Williams</i>	5:20 AM		
SOUTH DORM ROVER	B. MORGAN	<i>B. Morgan</i>	5:20 AM		
G BLOCK ROVER	INST R. W.H. JACKSON	<i>W.H. Jackson</i>	6:00 AM		
G BLOCK ROVER	FEED J. POSTER 8:00	<i>J. Poster</i>	5:20 AM		
M DORM ROVER	K. COTTRELL/OT	<i>K. Cottrell</i>	5:20 AM		
M DORM ROVER	FEED J. DUMAS	<i>J. Dumas</i>	5:20 AM		
M&G YARD ROVER	FEED				
YARD ROVER	FEED L. FORBISH	<i>L. Forbush</i>	5:20 AM		
GATE #3	J. BRUCE	<i>J. Bruce</i>	5:20 AM		
KCA&B ROVER	W. SCOTT/OT	<i>W. Scott</i>	5:20 AM		
K. ROVER	J. ROBINSON	<i>J. Robinson</i>	5:20 AM		
PRINT SHOP	J. PATTEN	<i>J. Patten</i>	5:20 AM		
SALLYPORT	E. WILLIAMS	<i>E. Williams</i>	5:20 AM		
TOWER #1	F. BROWN/OT	<i>F. Brown</i>	5:20 AM		
TOWER #2	M. BONNER	<i>M. Bonner</i>	5:20 AM		
TOWER #3	I. HARRIS/OT	<i>I. Harris</i>	5:20 AM		
TOWER #4	B. PENN	<i>B. Penn</i>	5:20 AM		
TOWER #5	T. RILEY	<i>T. Riley</i>	5:20 AM		
YARD ROVER	FEED				
VISITATION	FEED D. VICKERS	<i>D. Vickers</i>	5:20 AM		
A&B BLOCK	O. BARNES	<i>O. Barnes</i>	5:20 AM		
A&B BLOCK ROVER	C. FULLER/OT	<i>C. Fuller</i>	6:00 AM		
C&D BLOCK	N. MCCRAY/OT	<i>N. McCray</i>	5:20 AM		
C&D BLOCK ROVER	A. THOMAS/OT	<i>A. Thomas</i>	6:00 AM		
MENTAL HEALTH	J. MUNRO	<i>J. Munro</i>	5:40 AM		
MENTAL HEALTH ROVER	T. HANKS	<i>T. Hanks</i>	5:20 AM		
KITCHEN ROVER	J. PETTIS	<i>J. Pettis</i>	5:20 AM		
CADET	R. MALDEN	<i>R. Malden</i>	6:00 AM		
					ADV. TRAINING

**TURN SHAKEDOWNS IN BY 10AM!!!**

TO SOP'S AR'S AND SUPERVISORS INSTRUCTIONS REGARDING ASSIGNED POST. I WILL NOT VACATE THIS ASSIGNMENT.

ALDOC Form 225B

*EB/2*

### ALABAMA DEPARTMENT OF CORRECTIONS DISCIPLINARY REPORT

1. Inmate: Lorenzo Rainer Custody: \_\_\_\_\_ AIS: B121380

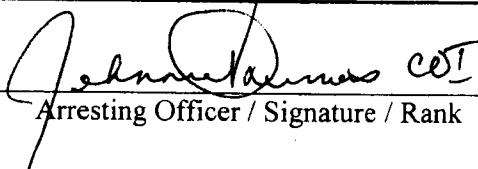
2. Facility: Kilby Correctional Facility

3. The above named inmate is being charged by COI Johnnie Dumas with violation of rule number 29 specifically Assault from regulation # 403 which occurred on or about June 3, 2005 at (time) 10:43 a.m. (am / pm), Location: Dining Hall/Main Hallway. A hearing on this charge will be held after 24 hours from service.

4. Circumstances of the violation(s) are as follows: On June 3, 2005, at approximately 10:43 a.m., you, inmate Lorenzo Rainer (B/121380) did swing at Officer Johnnie Dumas in an attempt to strike her.

6/10/05

Date

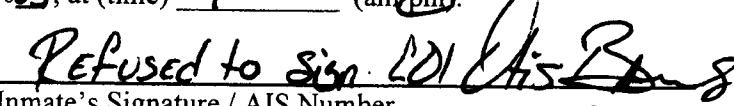


Arresting Officer / Signature / Rank

5. I hereby certify that I have personally served a copy of the foregoing upon the above named inmate and I informed inmate of his/her right to present a written or oral statement at the hearing and to present written questions for the witnesses on this the 10 day of June, 2005, at (time) 1:33 (am / pm).



Serving Officer / Signature / Rank



Inmate's Signature / AIS Number

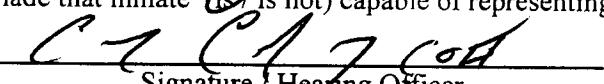
6. Witnesses desired? NO Refused to sign COI Chris Bangs  
Inmate's Signature YES Refused to sign COI Chris Bangs  
Inmate's Signature

7. If yes, list: ES. REEVES, COI Willie Jackson, COI Louis Vickers

8. Hearing Date 6-20-05 Time 8:25 a.m. Place SEGREGATION OFFICE

9. Inmate must be present in Hearing Room. If he/she is not present explain in detail on additional page and attach.

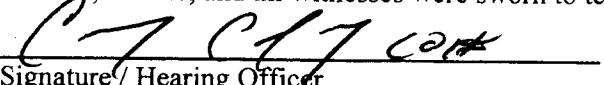
10. A finding is made that inmate (s) is not capable of representing himself.



Signature / Hearing Officer

11. Plea: Refused to sign COI Chris Bangs Not Guilty \_\_\_\_\_ Guilty \_\_\_\_\_

12. The Arresting Officer, Inmate, and all witnesses were sworn to tell the truth.



Signature / Hearing Officer

13. Arresting Officer's testimony (at the hearing): On June 3, 2005, at approximately 10:43, inmate Lorenzo Rainer (B/121380) did swing at me, Officer Johnnie Dumas, in an attempt to strike me.

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14. Inmate's Testimony: I did not touch her, she beat me with the stick.

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Witness: Officer Willie H. Jackson Substance of Testimony: I was Institutional Rover and Inmate Rainer came through the gate and then Officer Dumas came through the gate. Once they came into the main hallway, I observed inmate Rainer call Officer Dumas a Bitch and he stated (continuation)

Witness: Sgt. Ronnie Reeves Substance of Testimony: I did not witness the incident.

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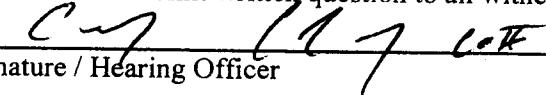
Witness: Officer Doris Vickers Substance of Testimony: When I arrived on the scene inmate Rainer was throwing punches at Officer Dumas.

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15. The inmate was allowed to submit written question to all witnesses. Copy of questions and answers are attached.

  
Signature / Hearing Officer

16. The following witnesses were not called - Reason not called

1. NIA
2. \_\_\_\_\_
3. \_\_\_\_\_

**ALABAMA DEPARTMENT OF CORRECTIONS  
DISCIPLINARY REPORT (OPTIONAL)**

Inmate Name /AIS Number Lorenzo Rainer B/121380 Incident Report No. KCF-05-392

Facility : Kilby Correctional Center

CONTINUED ARRESTING OFFICER'S (AO) STATEMENT AND/OR QUESTION BY HEARING OFFICER (QBHO) TO ARRESTING OFFICER: N/A

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CONTINUED INMATE'S STATEMENT AND/OR QUESTIONS BY HEARING OFFICER (QBHO) TO INMATE: N/A

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CONTINUED WITNESS TESTIMONY (QBHO): COI W. H. Jackson

you are not going to put your hand in my face. Inmate Rainer started swinging at Officer Dumas. I then grabbed inmate Rainer by both of his wrists and was holding him. Inmate Rainer was still struggling, trying to hit Officer Dumas. Officer Dumas then grabbed my baton and swung at inmate Rainer. Then Officer Vickers arrived and we placed inmate Rainer on the floor and handcuffed him.

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CONTINUED FINDINGS OF FACTS: N/A

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CONTINUED BASIS FOR FINDING OF FACT: N/A

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17. After hearing all testimony, the Hearing Officer makes the following findings of fact: (Be Specific)  
 The Hearing Officer finds that: On 6/3/05, at approximately 10:43 a.m., inmate Lorenzo Rainer (B/121380) was assigned to Kilby Correctional Facility and did swing at Officer Johnnie Dumas in an attempt to strike her.

18. Basis for Finding of Fact: Based on the Arresting Officer's testimony that inmate Rainer did swing at Officer Johnnie Dumas, Officer Willie H. Jackson's statement that inmate Rainer attempted to strike Officer Dumas, and Officer Doris Vickers's statement that inmate Rainer was throwing punches at Officer Dumas.

19. Hearing Officer's Decision: x Guilty \_\_\_\_\_ Not Guilty

20. Recommendation of Hearing Officer: 45 Days Disciplinary Segregation, 45 days loss of Store, telephone, and visitation privileges. Refer to Classification for custody review. GTA=0

C1 C11 col6

Signature / Hearing Officer

Sgt. Carl Clay

Typed Name and Title

21. Warden's Action - Date 6/21/05  
 Approved Cop of - Bennett  
 Disapproved \_\_\_\_\_  
 Other (specify) Non concurrent w/ other discipline

22. Reason if more then 30 calendar days delay in action. \_\_\_\_\_

23. I hereby certify that a completed copy of the foregoing Disciplinary Report was served on the above Named inmate on this the 28th day of June 2005 at (time) 2:10 (am pm).  
Lorenzo Dumas, cat refused to sign (S)  
 Signature / Serving Officer / Title Inmate's Signature and AIS Number

STATE OF ALABAMA  
BOARD OF CORRECTIONS

N601

D of C

DOC No. 601 (REV. 4/81)

## INSTITUTIONAL INCIDENT REPORT

1. Institution: <b>Kilby</b>	2. Date: <b>6/3/05</b>	3. Time: <b>10:43 a.m.</b>	4. Incident Number: <b>KCF 05-392</b>
5. Location Where Incident Occurred: <b>Dining Hall/Main Hallway</b>		6. Type of Incident: <b>#57 Insubordination, #29 Assault, Use of Force</b>	
7. Time Incident Reported: <b>11:00 a.m.</b>		8. Who Received Report: <b>Lt. Leon Bolling</b> <i>Lt. Leon Bolling</i>	
9. Victim:	a. <b>N/A</b> (type full name)	No. _____	
	b. _____ (type full name)	No. _____	
10. Suspects:	11. Witnesses:		
1. <b>Lorenzo Rainer</b>	No. <b>B/121380</b>	a. <b>Doris Vickers</b>	No. <b>COI</b>
2. _____	No. _____	b. <b>Willie H. Jackson</b>	No. <b>COI</b>
3. _____	No. _____	c. _____	No. _____
4. _____	No. _____	d. _____	No. _____
5. _____	No. _____	e. _____	No. _____
		f. _____	No. _____
		g. _____	No. _____
Physical Evidence:			
2. Type of Evidence: <b>N/A</b>			
3. Description of Evidence: <b>N/A</b>			
4. Chain of Evidence: <b>N/A</b>			
5. Narrative Summary: <b>In June 3, 2005, at approximately 10:43 a.m., in the Kilby Correctional Facility Dining Hall Officer Johnnie V. Dumas instructed North/West Dorm inmates to be seated in a particular section of the kitchen in order to be separated while monitoring different dorms. Inmate Lorenzo Rainer (B/121380) bed # W-105, stated, "I'm handicap. Do you still want me to sit over there?" Officer Dumas replied, "yes!" Inmate Rainer did not immediately comply. Instead inmate Rainer continued in the opposite direction. Officer Dumas gave inmate Rainer a direct order to sit directly on the other side of the dining hall. Inmate Rainer began mumbling profanity. As inmate Rainer passed by Officer Dumas, Officer Dumas stated to inmate Rainer, "Stop with that mouth or leave." Inmate Rainer responded, "Fuck! You got a mouth, you talk. I got a mouth too." Officer Dumas instructed inmate Rainer to leave. Officer Dumas escorted inmate Rainer out of the dining hall into the main hallway. Officer Dumas began counseling inmate Rainer about being insubordinate toward Officer Dumas. As Officer Dumas stood to the left of inmate Rainer's wheelchair, inmate Rainer swung his left elbow backwards and extended his inmate Rainer's, left forearm in an attempt to strike Officer Dumas while stating, "Don't put your hands in my face bitch." Officer Dumas defended herself by striking inmate Rainer on the left side of inmate Rainer's face and cranium with Officer</b>			

## CONTINUATION SHEET

Institution: <b>Kilby</b>	Incident Number: <b>KCF 05-392</b>
Date: <b>6/3/05</b>	Type of Incident: <b>Insubordination/Assault on an Officer/Use of Force</b>

Narrative Summary (Continued) Page No. 2

Dumas's closed fist. Officer Dumas immediately created approximately a five foot space between inmate Rainer and Officer Dumas. Officer Doris Vickers arrived on the scene and grasped inmate Rainer's left arm bicep, but inmate Rainer pulled away from Officer Vickers' grasp. Inmate Rainer continued to resist. Officer Willie Jackson arrived on the scene and grasped inmate Rainer's left and right forearms. Inmate Rainer continued to struggle and kick both legs at Officer Dumas. Officer Dumas retrieved Officer Jackson's baton from Officer Jackson's baton ring and gave inmate Rainer a direct order to stop. Inmate Rainer stated to Officer Dumas, "You ain't gonna do shit with your scary ass. Do it, do it. You ain't gonna do shit." Inmate Rainer continued to kick at Officer Dumas. Officer Dumas struck inmate Rainer approximately four times on inmate Rainer's tibia area while giving inmate Rainer's verbal commands to stop. Inmate Rainer stated to Officer Dumas, "fuck you ole coward bitch". Inmate Rainer slightly freed himself, inmate Rainer, from Officer Jackson's grasp and swung with both of his, inmate Rainer's, fists at Officer Dumas while using profane language. Officer Dumas struck inmate Rainer two more times round the radial nerve. At that time Officers Otis Barnes and Authur Murray assisted in restraining inmate Rainer by placing handcuffs on inmate Rainer from behind. Inmate Rainer was escorted to the West Ward for a body chart. At approximately 11:00 a.m., Officer Dumas reported the incident to Lt. Bolling. Inmate Rainer was examined by R.N. Regina Franklin (see attached medical report). Inmate Rainer was issued disciplinaries for rule # 57 Insubordination and # 29 Assault on a Person Associated with the Alabama Department of Corrections. Inmate Rainer was placed in Segregation Unit cell # C-1. No further action taken.

  
\_\_\_\_\_  
COI Johnnie Dumas

KCF05-392

## S T A T E M E N T

On June 3, 2005, at approximately 11:00 a.m., I, Officer Doris Vickers assisted in restraining inmate Lorenza Rainer (B/121380) during a physical altercation in the main hallway by grasping inmate Rainer's left arm, bicep, but inmate Rainer pulled away from Officer Vickers' grasp. That is when Officer Willie H. Jackson grasped inmate Rainer's arms and placed handcuffs on him, from behind.



Officer Doris Vickers

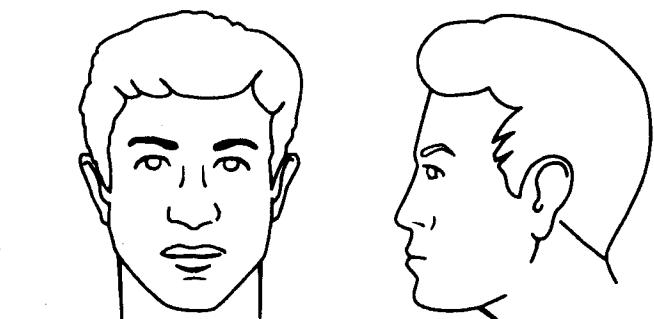
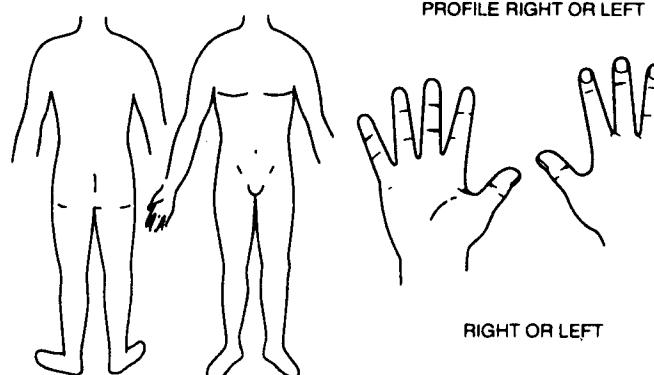
KCF 05-392

S T A T E M E N T

On June 3, 2005, at approximately 11:20 a.m., I, Officer Willie Jackson, assisted Officer Johnnie Dumas with a code red on the main hallway. I grabbed inmate Lorenza Rainer's (B/121380) arms when inmate Rainer began to swing at Officer Dumas. Officer Dumas grabbed my baton and struck him. Officer Doris Vickers and I placed inmate Rainer on the floor of the main hallway. Officer Otis Barnes placed handcuffs on inmate Rainer.

COI Willie H. Jackson  
Officer Willie H. Jackson

## EMERGENCY

ADMISSION DATE 6 / 3 / 05		TIME 1050 AM PM	ORIGINATING FACILITY KCF	<input type="checkbox"/> SICK CALL <input type="checkbox"/> EMERGENCY <input type="checkbox"/> OUTPATIENT																					
ALLERGIES		CONDITION ON ADMISSION <input type="checkbox"/> GOOD <input type="checkbox"/> FAIR <input type="checkbox"/> POOR <input type="checkbox"/> SHOCK <input type="checkbox"/> HEMORRHAGE <input type="checkbox"/> COMA																							
VITAL SIGNS: TEMP _____		ORAL RECTAL	RESP. _____	PULSE _____ B/P _____ / _____																					
NATURE OF INJURY OR ILLNESS S -		<table border="1"> <tr> <td>ABRASION //</td> <td>CONTUSION #</td> <td>BURN XX XX</td> <td>FRACTURE Z Z</td> <td>LACERATION / SUTURES</td> </tr> </table>			ABRASION //	CONTUSION #	BURN XX XX	FRACTURE Z Z	LACERATION / SUTURES																
ABRASION //	CONTUSION #	BURN XX XX	FRACTURE Z Z	LACERATION / SUTURES																					
<p>D- Alert et verbally responsive C Fair Language et Statry "Fuck A Bury Chart" "Lock Me up" "That Bitch Knows what She was Doing"!!!</p> <p>A-</p> <p>P- Bury Chart Attempted But Inmate uncooper- ative. (this time)</p> <p>DIAGNOSIS</p> <p>INSTRUCTIONS TO PATIENT</p>		 <p>PROFILE RIGHT OR LEFT</p>																							
		 <p>RIGHT OR LEFT</p>																							
		<table border="1"> <tr> <td>ORDERS / MEDICATIONS / IV FLUIDS</td> <td>TIME</td> <td>BY</td> </tr> <tr><td> </td><td> </td><td> </td></tr> </table>			ORDERS / MEDICATIONS / IV FLUIDS	TIME	BY																		
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NURSE'S SIGNATURE B Tran RN		DATE 6/3/05	PHYSICIAN'S SIGNATURE	DATE																					
INMATE NAME (LAST, FIRST, MIDDLE) Rainer, LORENZO		DOC#	DOB	R/S B/M																					
				FAC. KCF																					

ALDOC Form 225B

ALABAMA DEPARTMENT OF CORRECTIONS  
DISCIPLINARY REPORT

1. Inmate: Lorenzo Rainer Custody: \_\_\_\_\_ AIS: B121380

2. Facility: Kilby Correctional Facility

3. The above named inmate is being charged by COI Johnnie Dumas with violation of rule number 57 specifically Insubordination from regulation # 403 which occurred on or about June 3, 2005 at (time) 10:43 a.m. (am / pm), Location: Dining Hall/Main Hallway. A hearing on this charge will be held after 24 hours from service.

4. Circumstances of the violation(s) are as follows: On June 3, 2005, at approximately 10:43 a.m., you, inmate Lorenzo Rainer (B/121380) stated to Officer Johnnie Dumas, "Fuck you got a mouth , you talk. I got a mouth too. You ain't going do shit with your scary ass. Do it, do it. You aint's gonna shit. Don't put your hands in my face Bitch. Fuck you ole coward bitch.

6/10/05

Date

Arresting Officer / Signature / Rank

Johnnie Dumas cct

5. I hereby certify that I have personally served a copy of the foregoing upon the above named inmate and I informed inmate of his/her right to present a written or oral statement at the hearing and to present written questions for the witnesses on this the 10 day of June, 2005, at (time) 1:30 (am / pm).

COI D. B. Jones

Serving Officer / Signature / Rank

Refused to sign COI D. B. Jones

Inmate's Signature / AIS Number

6. Witnesses desired? NO Refused to sign COI D. B. Jones Inmate's Signature YES Refused to sign COI D. B. Jones Inmate's Signature

7. If yes, list: DeG. REEVES, COI W. Jackson, COI W. VICKERS

8. Hearing Date 6-20-05 Time 7:37 a.m. Place SEGREGATION OFFICE

9. Inmate must be present in Hearing Room. If he/she is not present explain in detail on additional page and attach.

10. A finding is made that inmate (s) is not capable of representing himself.

C. J. C. 17 cct

Signature / Hearing Officer

11. Plea: Refused to sign COI D. B. Jones Not Guilty Guilty

12. The Arresting Officer, Inmate, and all witnesses were sworn to tell the truth.

C. J. C. 17 cct

Signature / Hearing Officer

13. Arresting Officer's testimony (at the hearing): On June 3, 2005, at approximately 10:43 a.m.  
inmate Lorenzo Rainer (B/121380) stated to me, Officer Johnnie Dumas, "Fuck, you got a mouth, you talk.  
I got a mouth too. You ain't going to do shit with your scary ass. Do it, do it. You ain't gonna do shit.  
Don't put your hands in my face Bitch. Fuck you ole coward bitch."

14. Inmate's Testimony: I came into the Kitchen for lunch. I rode to the rail for someone to pass me a tray  
and someone called me by my full name, and I looked up and noticed Officer Dumas was calling me and I  
rode over to her, and she stated to me that I could not sit at the handicap table. Officer Dumas told me to  
put my tray into the hole. I then departed the kitchen and Officer Dumas called me back into the Kitchen  
then I stopped, then Officer Dumas departed the Kitchen in front of me. (continuation)

Witness: Officer Willie H. Jackson Substance of Testimony: I was Institutional Rover and  
Inmate Rainer came through the gate and then Officer Dumas came through the gate. Once they came  
into the main hallway, I observed inmate Rainer call Officer Dumas a Bitch and he stated (continuation)

Witness: Sgt. Ronnie Reeves Substance of Testimony: I spoke to inmate Rainer and  
asked him how he was doing. Inmate Rainer stated, "everything is ok Mr. Reeves."

Witness: Officer Doris Vickers Substance of Testimony: I was not there when that  
occurred.

15. The inmate was allowed to submit written question to all witnesses. Copy of questions and answers are attached.

CJ CJI 10/11  
 Signature / Hearing Officer

16. The following witnesses were not called - Reason not called

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

ALABAMA DEPARTMENT OF CORRECTIONS  
DISCIPLINARY REPORT (OPTIONAL)

Inmate Name /AIS Number Lorenzo Rainer B/121380 Incident Report No. KCF05-392  
Facility : Kilby Correctional Center

CONTINUED ARRESTING OFFICER'S (AO) STATEMENT AND/OR QUESTION BY HEARING OFFICER (QBHO) TO ARRESTING OFFICER: N/A

CONTINUED INMATE'S STATEMENT AND/OR QUESTIONS BY HEARING OFFICER (QBHO) TO  
INMATE: I then talked to Sgt. Reeves. Sgt. Reeves stated to me, "what's up". I went towards North and West  
Dorm and Officer Dumas went toward the Hospital and turned around and called me back to her in front of the staff  
breakroom, and when I came up to her she put her hand in my face. I then stated, she can talk with her mouth not with  
her hand, then Officer Dumas Swung on me.

CONTINUED WITNESS TESTIMONY (QBHO): COI W. H. Jackson  
you are not going to put your hand in my face. Inmate Rainer started swinging at Officer Dumas. I then grabbed  
inmate Rainer by both of his wrists and was holding him. Inmate Rainer was still struggling, trying to hit Officer Dumas.  
Officer Dumas then grabbed my baton and swung at inmate Rainer. Then Officer Vickers arrived and we placed inmate  
Rainer on the floor and handcuffed him.

CONTINUED FINDINGS OF FACTS: N/A

CONTINUED BASIS FOR FINDING OF FACT: N/A

17. After hearing all testimony, the Hearing Officer makes the following findings of fact: (Be Specific)  
 The Hearing Officer finds that: On 6/3/05, at approximately 10:43 a.m., inmate Lorenza Rainer (B/121380) was assigned at Kilby Correctional Facility and did state to Officer Johnnie Dumas, "Fuck, you got a mouth, you talk. I got a mouth too. You ain't going to do shit with your scary ass. Do it, do it. You ain't gonna do shit. Don't put your hands in my face Bitch. Fuck you ole coward bitch."

18. Basis for Finding of Fact: Based on the Arresting Officer's testimony that inmate Rainer did use profanity towards her and Officer W. H. Jackson's statement that he heard inmate Rainer call Officer Dumas a Bitch.

19. Hearing Officer's Decision: X Guilty \_\_\_\_\_ Not Guilty

20. Recommendation of Hearing Officer: 45 Days Disciplinary Segregation, 45 days loss of Store, telephone, and visitation privileges, Refer to Classification for custody review. GTA=0

C-117-COT

Signature / Hearing Officer

Sgt. Carl Clay

Typed Name and Title

21. Warden's Action – Date 6-21-05

Approved Capt. Barnett

Disapproved

Other (specify) No other prison violations

22. Reason if more then 30 calendar days delay in action.

23. I hereby certify that a completed copy of the foregoing Disciplinary Report was served on the above Named inmate on this the 28th day of June 2005 at (time) 2:10 (am pm).

Lorenza Rainer, COT  
Signature / Serving Officer / Title

refused to sign  
Inmate's Signature and AIS Number

Chairman.

ON THE 3<sup>rd</sup> day of JUNE, 2005 AT APPROXIMATELY 10:43A.M. OFFICER JOHNNIE DUMAS CLAIM I WAS INSUBORDINATION TOWARD HER. I DENY THIS ACCUSATION. IF ANYTHING SHE WAS DISRESPECTFUL TOWARD ME. PUTTING HER HANDS ON ME, AND IN MY FACE. I DID NOT VIOLATE RULE NUMBER 57.

THIS DISCIPLINARY WAS NOT SERVED ON ME WITHIN THE STATUE OF LIMITATION 72-HOURS. I WAS PLACE IN SEGREGATION ON THE 6-3-05 AT ABOUT 10:50 A.M. AND I WAS SERVED A DETENTION NOTIFICATION PAPER. LETTING ME KNOW I AM BEING PLACE IN SEGREGATION PENDING INVESTIGATION. AND THAT A DISCIPLINARY SUPPOSE TO BE SERVED ON ME WITHIN 72-HOURS, OR AN EXTENSION OF INVESTIGATION. THIS NEVER OCCURED WITHIN 72-HOURS. THE 72-HOURS WAS UP ON JUNE 9, 2005 TO SERVE ME A DISCIPLINARY. THE DISCIPLINARY WAS SERVED ON ME A DAY LATE. ON THE 6-10-05. SO SINCE THIS HAS BEEN VIOLATED. I ASK YOU TO FOLLOW THE PROCEDURES AND THROW THIS DISCIPLINARY OUT. BECAUSE IT WAS NOT SERVED ON ME IN THE REQUIRED TIME LIMIT.

THIS DISCIPLINARY SHOULD NOT MAKE IT TO CAPT. BARRICK, OR BE APPROVE BY WARDEN OR CAPT. BARRICK. BECAUSE IT WAS SERVED ON ME AFTER A PERIOD OF 72-HOURS IN LOCK-UP UNIT.

QUESTION No.(1) Did officer Dumas get your stick from you AND start hitting ME AND KNOCK ME out ME WHEEL CHAIR AND turn my ~~my~~ WHEEL CHAIR OVER? NO

ANSWER

2. NO.(2) What did you observe that occur with Officer DUMAS AND ME? SEE STATEMENT

ANSWER

3. NO.(3) Why did you hold ME AND Officer Dumas beat me with her stick? BECAUSE YOU WAS TRYING TO HIT OFFICER DUMAS

4. NO.(4) Did it APPEAR that I WAS A THREAT to Officer DUMAS AT ALL from your VIEWPOINT? YES

ANSWER

5. NO.(4) Did Officer Dumas call me back AS I WAS going to my CELL? NO

ANSWER

NO.(5) How CAN I BE A THREAT to officer DUMAS when SHE put HER HANDS ~~in~~ in my FACE? I DID NOT ANSWER SEE HER PUT HER HAND IN HIS FACE.

Q. NO.(1) Officer DUMAS what reason did you HAVE to put your hands in my face, and knock me out my wheel chair and hit me with your stick? I DID NOT

ANSWER PUT MY HAND IN INMATE RAINER FACE. I DID NOT KNOCK INMATE RAINER OUT OF HIS WHEEL CHAIR. I HIT INMATE RAINER, BECAUSE HE SWUNG ON ME SEVERAL TIMES.

Q. NO.(2) Why did you call me back when I was heading to my cell? BECAUSE I WANTED TO TALK TO HIM

ANSWER ABOUT HIS BEHAVIOR.

Q. NO.(3) You call my NAME in the KITCHEN, AND told me I could not EAT with handicapp at table AND told me to put my food in dish room true or FALSE?

ANSWER

Q. NO.(4) Is it true that you was walking in front of me AS I was coming out KITCHEN? FALSE

ANSWER

Q. NO.(5) How could I be a threat to you when you was in front of me walking? I WAS NOT IN FRONT OF HIM

ANSWER

Q. NO.(6) ~~Why~~ did you go get officer <sup>JACKSON</sup> ~~JACKSON~~ stick AND had him help you to jump me? I DID NOT JUMP HIM. I JUST RESPONDED TO HIS ACTIONS.

Q. NO.(7) Did I ASK you that it don't take putting your hands in my face to TALK to me true or FALSE?

ANSWER

1. NO. (1) Sgt. REEVES did you SEE ME ON THE 6-3-05 AT ABOUT 10:41 A.M. EXITING OUT OF KITCHEN? YES

ANSWER

1. NO. (2) Did you SPEAK TO ME? YES

ANSWER

1. NO. (3) Did I APPEAR to you like I had BEEN IN SOME KIND OF VERBLE ARGUMENT OR LIKE I WAS A THREAT TO OFFICER DUMAS? NO

ANSWER

1. NO. (4) Did you SEE OFFICER DUMAS WALKING IN FRONT OF ME? I DON'T REMEMBER SEEING OFFICER DUMAS

1. NO. (5) How could I BE A THREAT TO OFFICER DUMAS IF SHE WAS WALKING IN FRONT OF ME? N/A

ANSWER

1. NO. (6) WHEN YOU SPOKE TO ME DID IT APPEAR LIKE SOMETHING WAS WRONG WITH ME? NO

ANSWER

Q. NO.(1) What reason did you HAVE to kick me and hit me with your stick when I WAS ON THE FLOOR with my WHEEL CHAIR TURN OVER? I HAVE<sup>NOT</sup> DID NOT DO THAT.

ANSWER

Q. NO.(2) Did it appear like I WAS A THREAT TO OFFICER DUMAS? YES

ANSWER

Q. NO.(3) What did you OBSERVE WHEN YOU ARRIVED AT THE SCENE? I SAW HIM SWINGING AT OFFICER DUMAS.

Q. NO.(4) YOU RAN FROM HOSPITAL TO SCENE AND START KICKING ME AND HITTING WITH YOUR STICK IS THAT CORRECT? NO

ANSWER